

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. National Stage Appln. of	)	
Lutz Axel MAY	)	Art Unit: Unassigned
Serial No.: 10/529,326	)	Examiner: Unassigned
Filing Date: March 25, 2005	)	Confirmation No.: 8656
I.A. No. PCT/EP03/10634	)	Attorney Docket No. 119508-00282
I.A. Filing Date: September 24, 2003	)	
Priority Date: September 25, 2002	)	
For: TORQUE SIGNAL TRANSMISSION	)	

RECEIVED  
11 APR 2006  
Legal Staff  
International Division

PETITION UNDER 37 C.F.R. § 1.47(b)

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The owner of the above-cited patent application, Abas, Inc., a wholly-owned subsidiary of Methode Electronics, Inc., (hereinafter "Rule 1.47(b) applicant") respectfully petitions under 37 C.F.R. § 1.47(b) to make application for patent on behalf of and as agent for the named inventor of the above-captioned patent application and to have the earliest filing date possible be assigned to the application.

A Petition under 37 C.F.R. § 1.47(b) must be accompanied by:

- (1) The fee under 37 C.F.R. § 1.17(i);
- (2) Factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort;
- (3) A statement of the last known address of the inventor;
- (4) An oath or declaration executed by the Rule 1.47(b) applicant on behalf of and as agent for the non-signing inventor;
- (5) Proof that the Rule 1.47(b) applicant has a sufficient proprietary interest in the application; and

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(6) A showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage if the Petition is denied.

Each of the enumerated items above is discussed in detail below, with reference to supporting declarations submitted herewith by Stephen Harders and Alexander Straus and copies of documentary evidence.

**1. The fee under 37 C.F.R. § 1.17(i)**

The required petition and surcharge fees set forth in 37 C.F.R. §1.17(i) are enclosed with this Petition.

**2. Factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort**

A *bona fide* attempt was made to present the application papers, including the specification, claims, and drawings, and amendments thereto, to Lutz May. Documentary evidence supporting the attempt to obtain Lutz May's signature on the application papers and his refusal to sign are provided herewith.

As indicated on the enclosed Declaration of Stephen U. Harders, on August 22, 2003, Magna-Lastic Devices, Inc., a wholly owned subsidiary of Methode Electronics, Inc., procured certain intellectual property assets of Fast Technology AG, a company that had been incorporated in the Federal Republic of Germany. Those assets were purchased from Dr. Hans von Gleichenstein, a German court-appointed trustee and receiver of the assets owned by Fast Technology AG, after Fast Technology AG filed for bankruptcy under German law. Among the assets received by and in trust to Dr. von Gleichenstein was, *inter alia*, the above-cited international patent application as shown in Exhibit A of the Declaration. Dr. von Gleichenstein then transferred those purchased assets to Abas, Inc., another wholly owned subsidiary of Methode Electronics, Inc., at the behest of Methode Electronics, Inc.

As indicated in the enclosed Declaration of Dr. Alexander Straus, Lutz May was contacted on three occasions and requested to execute the Declaration for Patent and Power of Attorney form (i.e., "Inventors Declaration"): the first time on February 19, 2004, the second time on March 22, 2004, and the most recent time on August 24, 2005. See Decl. of A. Straus at ¶¶ 6, 7, and 13. The application papers (i.e., the specification, claims, drawings,

and amendments thereto) were presented to Lutz May for his review. See Decl. of A. Straus at ¶ 13. On each occasion, Lutz May refused, and continues to refuse, to execute any papers related to the above-captioned patent application, and/or has sought to delay responding to these requests. See Decl. of A. Straus at ¶¶ 8 and 14. Accordingly, based on the information provided in this Petition and the information in the Declaration of Dr. Straus submitted concurrently herewith, the Rule 1.47(b) applicant respectfully submits that factual proof exists that the inventor refuses to execute the application.

**3. A statement of the last known address of the inventor**

On information and belief, Lutz May's last known address is Wolfratshauser Strasse 23a, Gelting, 82538, Germany. That German address is listed on the published PCT application. The previous known address for Lutz May is believed to be 3 The Grange, Newbury, Berkshire RG14 6RJ, Great Britain. On information and belief, Lutz May may also be reached through his German attorney, Dr. Axel-Michael Wagner, of Peters, Schonberger & Partner, Schackstrasse 2, Munich, 80539, Germany. Lutz May is also listed on a web site as the Director of NCTEngineering GmbH, located at the address Erlenhof-Park, Inselkammerstr. 10, 82008 Unterhaching, Germany. See Decl. of S. Harders at ¶5.

**4. An oath or declaration executed by the Rule 1.47(b) applicant on behalf of and as agent for the non-signing inventor**

The Rule 1.47(b) applicant submits herewith a declaration executed on behalf of and as agent for the nonsigning inventor, Lutz May, in accordance with M.P.E.P 409.03(b), and which specifically states the citizenship of the inventor.

**5. Proof that the Rule 1.47(b) applicant has a sufficient proprietary interest in the application**

As stated in Steve Harder's Declaration, Lutz May was an employee of Fast Technology AG before it went bankrupt. See Decl. of S. Harder at ¶ 6. As stated in Dr. Straus' Declaration, Lutz May's actions as an employee of Fast Technology AG establish that Fast Technology AG was the owner of the above-captioned patent application and the invention disclosed therein. See Decl. of A. Straus at ¶ 11. Those actions included consistently filing patent applications in the name of Fast Technology AG (i.e., not in Lutz

May's name) and having Fast Technology AG pay for fees associated with prosecuting those patent application (i.e., not paying the fees himself).

Dr. Straus' Declaration includes an Annex I, which is a copy of the sales and transfer agreement signed by Dr. von Gleichenstein, on behalf of bankrupt Fast Technology AG, and a representative of Magna-lastic Devices, Inc. The agreement indicates the date of signatures and the intellectual property rights concerned as identified in the exhibits of the agreement. Among the patent applications purchased by Magna-lastic Devices, Inc., from Dr. von Gleichenstein is the international application PCT/EP03/10634, which formed the basis for filing of the above-cited patent application under 35 U.S.C. § 371. As described in the Declaration of Steven Harders, Dr. von Gleichenstein subsequently assigned the patent application to Abas, Inc. a sister company of MDI, at the instruction of Methode Electronics Inc., the parent company to both MDI and Abas, Inc.

Also submitted herewith is a copy of the complete assignment document, executed by Dr. von Gleichenstein on June 8, 2004, assigning all of the rights, title, and interest in international application PCT/EP03/10634, which formed the basis for filing of the above-cited patent application under 35 U.S.C. § 371, from Fast Technology AG to Abas, Inc.

Accordingly, based on the information provided in this Petition, the information in Dr. Straus' Declaration, and the executed assignment document from Fast Technology AG to Abas, Inc., submitted concurrently herewith, the Rule 1.47(b) applicant respectfully submits that factual proof exists that Abas, Inc., has a sufficient proprietary interest in the present application and there is a chain of title from Fast Technology AG to Abas, Inc.

**6. A showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage if the Petition is denied**

This Petition should be granted since Abas, Inc., has made diligent efforts to contact the inventor, pursuant to 37 C.F.R. §1.47(b), and has complied in good faith with the other requirements of that rule. Action by the PTO is necessary to preserve the rights of Abas, Inc., in the subject patent application.

**7. Conclusion**

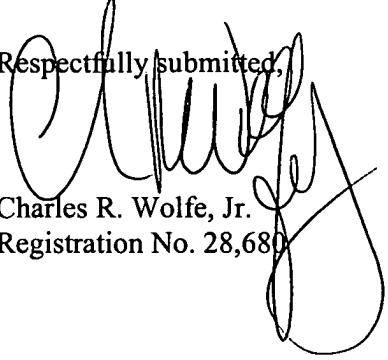
In the event there are any questions relating to this Petition, the Declaration for Patent Application and Power of Attorney form, the Declaration of Stephen U. Harders, or to the

Serial No.: 10/529,326  
Atty. Docket No.: 119508-00282

application in general, it would be appreciated if the Patent Office would telephone the undersigned attorney concerning such questions so that the prosecution of this application may be expedited.

Any fee due is authorized above. Please charge any shortage or credit any overpayment of fees to BLANK ROME LLP, Deposit Account No. 23-2185 (119508-00282).

Respectfully submitted,

  
Charles R. Wolfe, Jr.  
Registration No. 28,680

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